

INTERNAL USE ONLY

OLC: 78-3558
29 November 1978

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MEMORANDUM FOR: Legislative Counsel

VIA: Chief/Legislation Staff

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FROM:
Assistant Legislative Counsel

SUBJECT: Meeting with FBI Legislative Affairs Officer
Parks H. Stearns

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1. On 13 November 1978 the undersigned met for a period of two hours with his counterpart at the FBI, Mr. Parks Stearns. The purpose of the meeting was to both cement a better working relationship between the two attorneys who had worked together during the 95th as well as to discuss legislation of mutual interest which will be facing both agencies during the 96th Congress.

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2. FEDERAL TORT CLAIMS ACT AMENDMENTS: Both attorneys agreed that the Federal Tort Claims Act Amendments would be reintroduced during the first few days of the 96th. Due to irreconcilable disagreement between the Carter Administration (which had introduced the original bill early in the 95th) and Senator Howard Metzenbaum (D., Ohio), the bill's chief sponsor in the Senate, the bill was allowed to die on the vine in the Senate Judiciary Committee.

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3. The bill would substitute as defendant the Federal Government for Federal employees in certain delineated cases wherein the Federal employee had, within the scope of his employment, committed a Constitutional tort against an American citizen, whether domestically or overseas.

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4. The bill, in its present form, would not provide the above stated protection to either former Federal employees (even though the tort had been committed by the person while employed by the Federal government) or to Presidential appointees. This was totally unacceptable to the Carter Administration and was, in major part, responsible

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